THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14744 of 2007

Dated: 16-07-2007

Between:

K.Balamani and others.

..... PETITIONERS

AND

The Joint Collector, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14744 of 2007

ORDER:

Land admeasuring Acs.0.33 guntas in survey No.327/E, admeasuring Ac.1.24 in survey No.328 and admeasuring Ac.0.29 guntas in survey No.329/E (hereinafter called, subject land) situated at Rellaguda Village, Shamshabad Mandal, Ranga Reddy District, is patta land allegedly belonging to one Kurma Jangaiah, who is said to be father of first petitioner, grandfather of second petitioner and great grandfather of petitioners 3 to 7. After his death, his daughters - first petitioner and K.Laxmamma survived. Second petitioner, who is the son of Laxmamma, and Lingamma, who is the daughter of Laxmamma and mother of petitioners 3 to 7, also had a right in subject land being the heirs of Jangaiah. It is alleged that subject land was given on *ek-sal* lease to Karre Pedda Mallaiah, Karre Yadaiah, Karre Pentaiah(respondent No.5) and Karre Chinna Mallaiah(respondent No.10), who managed to get pattadar passbooks (PPBs)/title deeds (TDs) from third respondent, vide proceedings No.ROR/334/89 dated 02.03.1991 and No.12/89 dated 04.10.1991.

In 2001, it appears that first petitioner and her sister - Laxmamma approached third respondent for certified copies of the proceedings dated 02.03.1991 and 04.10.1991. Their request was rejected by memo dated 11.10.2001 advising them to prefer an appeal. They then preferred appeal against said memo of third respondent, which was dismissed by second respondent on 17.12.2003. During the pendency of this appeal, Laxmamma died leaving behind petitioners 3 to 7 as her legal heirs. Against the order of second respondent dated 17.12.2003 dismissing the appeal filed against the memo of third respondent dated 11.10.2001, the petitioners preferred a revision petition before first respondent, which was also dismissed on 10.02.2006. The petitioners allege that in spite of their best efforts, they could not get the copies of the proceedings of third respondent dated 02.03.1991 and 04.10.1991, whereby and whereunder Karre Pedda Mallaiah, Karre Yadaiah, Karre Pentaiah(respondent No.5) and Karre Chinna Mallaiah(respondent No.10) were issued PPBs. Therefore, they filed instant writ petition challenging said proceedings dated 02.03.1991 and 04.10.1991 as illegal and arbitrary.

The learned counsel for the petitioners strenuously contends that third respondent issued PPBs/TDs to the lessees of the petitioners, who were only given *ek-sal* lease and they were not entitled for issue of PPBs/TDs. He points out that as per the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971(the Act, for brevity), PPBs/TDs

itself, *prima facie,* is prove of title and therefore, issue of such title in favour of third parties without notice to the petitioners is unsustainable.

As seen from the documents, first petitioner and her sister - Laxmamma approached third respondent requesting for certified copies of the mutation proceedings issued in favour of Karre Pedda Mallaiah, Karre Yadaiah, Karre Pentaiah(respondent No.5) and Karre Chinna Mallaiah(respondent No.10), which was denied. The petitioners then filed appeal and revision unsuccessfully. At least at that stage, they would have filed a revision before first respondent under Section 9 of the Act questioning the proceedings of third respondent dated 02.03.1991 and 04.10.1991 whereunder PPBs and TDs were issued to Karre Pedda Mallaiah, Karre Yadaiah, Karre Pentaiah(respondent No.5) and Karre Chinna Mallaiah(respondent No.10), but they did not do so. They did not file an appeal under Section 5(5) of the Act. An appeal has to be filed within a period of sixty days from the date of orders of third respondent or within such time as may be condoned by the appellate authority, namely, the Revenue Divisional Officer on proper application for condonation of delay in filing the appeal. Therefore, having regard to the fact that the orders impugned are dated 02.03.1991 and 04.10.1991, this Court is not inclined to admit the writ petition. The petitioners are given liberty either to file appeal before second respondent along with an application for condonation of delay or revision straightaway before first respondent. In such an event, appropriate authority shall consider the plea of the petitioners that they had no notice when PPBs/TDs were issued to Karre Pedda Mallaiah, Karre Yadaiah, Karre Pentaiah(respondent No.5) and Karre Chinna Mallaiah(respondent No.10).

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

16th July, 2007
ghn